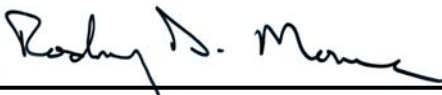




RICHMOND POLICE DEPARTMENT GENERAL ORDER

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 1	Number 17	Effective Date 09/07/07	Review Date 2010
Subject DISCIPLINARY REVIEW BOARD (DRB)			☐ New Order ☒ Replaces G.O. 113-4, (06/18/04)
References City of Richmond's Personnel Rules for Classified Employees, (Fifth Ed.), Sections V and VII City of Richmond's Administrative Regulations 4.11 VLEPSC PER.09.02c, PER.09.05			
 _____ Chief of Police or Designee		09/07/07 _____ Date	

I. PURPOSE

The purpose of this directive is to describe the functions and composition of the Disciplinary Review Board (DRB), an internal panel designed to advise the Chief of Police.

II. POLICY

It is the policy of the Richmond Police Department that all employees maintain the highest degree of both professional and personal conduct and integrity toward citizens and Department members in performing their duties and responsibilities. The DRB may convene to hear any violation of the standards of conduct imposed by legal authority **in which** disciplinary action **is recommended** to the Chief of Police, subject to the rights of appeal and grievance.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. PROCEDURE

A. General Information:

1. The DRB shall review those incidents, as directed by the **Disciplinary Review Officer (DRO) and/or Chief of Police**. Incidents to be reviewed

may lead to imposition of disciplinary action, which **shall** include **written reprimand**, demotion, suspension, reduction in pay, or termination/**dismissal** against employees of the Richmond Police Department for violations of the standards of conduct or other rules.

2. The DRB is authorized to review disciplinary reports, refer such reports back to the **Major or Executive Director** for further investigation, and **make consensus determinations as to violation of policy**. The DRB will not conduct public hearings or investigations.
3. In addition to the regular DRB hearings outlined in this policy, the **Disciplinary Review Officer (DRO)** shall **review** annually all disciplinary actions, including those brought before the DRB, to ensure consistent and fair discipline throughout the Department.
4. The affected employee shall appear before the DRB. The purpose of such appearance is to give the employee an opportunity to respond to any allegations made in the investigation. The employee may submit relevant written material in support of his/her position.
5. After hearing the presentation by the **DRO**, the employee shall be given an opportunity to speak and respond to questions from the Board members. After examining relevant files and testimony, each member of the **Board** will make a recommendation **as to violation of policy only**.
6. All proceedings shall be kept in the strictest of confidence. No individual on the **Board** shall disclose to any person the matters or individuals discussed or the advice given by such Board members, except with the expressed written consent of the Chief of Police.

B. Disciplinary Review Board Composition:

1. The DRB will consist of **five (5)** members, including 2 peer members. **Captains and Lieutenants will serve on a monthly rotating basis as designated by the DRO.**
2. The **DRO** shall serve as Chair and convene the DRB meetings. The Chair has the authority to appoint an alternate to serve in his/her absence.
3. The DRB will consist of the following:
 - a. **DRO** or alternate;
 - b. Captain;
 - c. Lieutenant; and,
 - d. **2 Employee Peers (at least of equal rank of the employee) selected by the employee.**

- e. *A representative from the Office of General Counsel may attend as a non-voting member. A Department subject matter expert may attend as a non-voting member.*
- 3. The affected employee has the right to challenge the participation of up to **one (1)** member of the DRB for cause, and must do so in writing **three (3)** days **prior to** the hearing. No more than **one (1)** challenge shall be permitted in any proceeding.
- 4. The candidate pool for the DRB members consists of all Richmond Police Department members who meet the following guidelines:
 - a. Are not currently the subject of an Internal Affairs investigation;
 - b. Have not been subject to discipline in the previous two (2) years, which resulted in a suspension or a demotion;
 - c. Are not involved in the matter before the Board as the investigator, personally involved in the investigation, a witness or supervisor of the affected employee; and
 - d. Are not related to any person involved in the matter before the Board.

V. **ROLES AND ACCOUNTABILITY**

- 1. The DRB will meet at least once a month when there are cases pending, but it may meet more frequently, if necessary. The DRB shall hear a case and **make a determination as to violation of policy.**
- 2. The **DRO** shall notify, **in writing**, the affected employee at least seven (7) calendar days prior to the hearing as to the date, time, place of the DRB meeting, and the names of the panel members.
- 3. The **DRO** Chair or alternate will ensure that the written materials, diagrams and charts related to the incident are copied before the meeting. The copies will be made available for police members of the DRB. Each copy will be marked “Confidential” and numbered. If requested, the affected employee may review the materials within three (3) days prior to the DRB meeting.
- 4. The Board shall hear the circumstances surrounding the incident from both sides, management’s and the affected employee’s, and may interview any and all witnesses, when necessary to make a recommendation.
- 5. At the conclusion of the hearing, persons other than the DRB members will be excused so that the DRB members can **discuss** and make a **consensus determination as to violation of policy.**
- 6. After the **DRO** documents **the Board’s determination**, all investigative materials and notes will be returned to the **DRO**. The **DRO** shall return all investigative materials to the **Office of Professional Standards**, once the Chief of Police makes

his final decision. Additional copies of the investigative package and any notes made by the DRB panel members will be discarded immediately.

7. The **DRO** shall maintain a master file of all **determinations** prepared by the DRB by type of infraction only.